

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**DEBORAH L. LEGGETT,**

Plaintiff,

v.

**AMERICA'S SERVICING CO., et al.,**

Defendants.

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Civil Action No. **3:05-CV-1959-L**

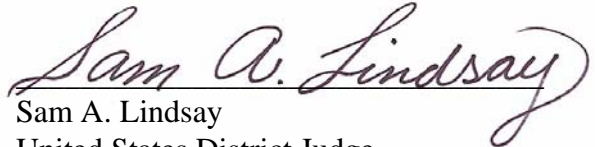
**ORDER**

This is a breach of contract and wrongful foreclosure action brought under the Real Estate Settlement Procedures Act ("RESPA"), the Truth in Lending Act ("TILA"), the Fair Debt Collection Practices Act ("FDCPA"), the Texas Deceptive Trade Practices Act ("DTPA"), and the Texas Debt Collection Act ("TDCA"). Pursuant to an order of reference dated May 30, 2007, Defendant MHI Partnership, Ltd's Motion to Compel Arbitration and Stay Proceedings was referred to United States Magistrate Judge Wm. F. Sanderson, Jr., for findings and recommendation. The Findings, Conclusions and Recommendation of the United States Magistrate Judge were filed August 1, 2007. No objections have been filed.

The magistrate judge recommended that the court grant Defendant MHI's motion to compel arbitration, and further recommended that, as requested by Defendant, the claims against MHI should be stayed pending arbitration. Having reviewed the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court **determines** that they are correct and therefore **accepts** the findings, conclusions and recommendation of the magistrate judge. Accordingly, the court **grants** MHI's Motion to Compel Arbitration and Stay Proceedings. Plaintiff

and Defendant MHI are hereby **directed** to arbitrate Plaintiff's claims against MHI in accordance with the Residential Earnest Money Contract. The court therefore **stays** Plaintiff's claims of breach of contract, wrongful foreclosure, TILA, DTPA, FDCPA, TDCA, RESPA, and injunctive relief against Defendant MHI. Plaintiff's claims against the other Defendants will proceed.

**It is so ordered** this 22<sup>nd</sup> day of August, 2007.

  
Sam A. Lindsay  
United States District Judge